

DEPARTMENT OF STATE  
THE LEGAL ADVISER

DECLASSIFIED  
June 16, 1961

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TO : EUR - Mr. Kohler  
FROM : L/EUR - Mr. Kearney (R.D.K.)  
SUBJECT: Berlin

Attached is a paper on Berlin which I prepared for Abe Chayes. While I hesitate to add to your reading material, I think the proposal it contains may suggest a way out on the Berlin matter. The specific proposal is set forth in Section V which begins on page 11. The preceding discussion is a rather summary review of the other proposals which have been made or are under consideration and the reasons which make them, in my opinion, relatively valueless.

Attachment:

Memorandum to Mr. Chayes,  
June 12, 1961.

L:L/EUR:RDKearney:jcd.

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DECLASSIFIED June 12, 1961

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MEMORANDUM

To: L - Mr. Chayes  
From: L/EUR - Mr. Kearney R.W.K.  
Subject: Berlin - A Negotiable Solution

I

The Facade of Reunification

The first tenet of the orthodox credo on Berlin is that a permanent solution of the problem is contingent upon the reunification of Germany. This is undeniable as a matter of abstract logic, for the division of Germany is what gives rise to the Berlin problem. In the event of the need for an immediate solution regarding Berlin, however, the conclusion has value only if the reunification of Germany is reasonably attainable within a reasonable time.

The Soviet terms for reunification have envisaged, as a minimum, a Germany detached from any intimate political, economic, or military connections with the Western Powers, disarmed, and so constituted as to maintain the Pankow regime in being and to afford a good chance of achieving the eventual communization of West Germany. In addition, the Soviets have suggested or implied at various times further conditions including withdrawal of United States Forces from Europe, abolition of the United States European bases and dissolution of NATO.

Acceptance of German reunification on the minimum Soviet terms would mean the emasculation of the North Atlantic Alliance, abandonment of the painful progress which has been made toward European unity, and relegation of Germany to a condition at least as pregnant with danger as that of the Weimar Republic under the Versailles Treaty. It could also mean surrender of the only real position of strength the United States has outside the North American continent.

There is a school of thought which considers that the reunification of Germany on the basis of a greater or lesser acceptance of the Soviet terms should be preferred to continuation of the danger of nuclear holocaust implicit in the present direct confrontation. This acquiescence would constitute part of a process of disengagement between the Soviets and the Western Powers, through establishment of a

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Power agreements regarding Berlin, to the position expressed in the course of the 1959 Geneva Foreign Ministers' Meeting that the Western Powers were legally in Berlin. These elements of strength permit two reasonably safe assumptions in the light of Soviet conduct in the past. The U.S.S.R. will not launch any direct assault upon our troops in Berlin except as part of a general assault upon the NATO forces. Any action which the Soviets take to force withdrawal of our forces from Berlin will be based upon some theory of legal right. (The 1958 denunciation of the quadripartite agreements, for example, was, in light of the Soviet argumentation, based upon the dubious doctrine "Rebus sic stantibus".)

Other elements of the Berlin situation, however, may be manipulated by the Soviets so as to place us in an intolerable position. The overshadowing consideration, of course, is the control which the Soviets or the East Germans can exercise over ground traffic and communications between Berlin and the Federal Republic. But of almost equal importance is our commitment to the political principle that we will not recognize the existence of the "G.D.R." as a state or as a government.

By turning over control of the access routes to the East Germans, probably using a peace treaty with the "G.D.R." as the legal pretext, the Soviets can force us:

1. to attempt to keep the ground access routes open by force; or
2. to rely on an air-lift to supply Berlin, or
3. to deal with the "G.D.R." in such manner as will lead to de facto and possibly de jure recognition of the regime.

For an appreciation of the complexities involved in selecting a course of action, it is helpful to consider a hypothetical situation. After signing a peace treaty with the "G.D.R.", the Soviets withdraw from the Autobahn check-points and East German officials take over. Under the contingency planning procedures, we continue military traffic by submitting copies of a movement order at each checkpoint to the East German officials. For a period this procedure is followed. The "G.D.R." then announces that it is imposing a fee of 50 pfenning per trip on each Allied vehicle using the Autobahn to meet the cost of up-keep of the road (or that its officials will begin examining luggage, or any one of a hundred other innocuous-appearing requirements), and that the Minister of Transport will be happy to meet with the Western ambassadors to discuss methods of payment. Otherwise, the fee will be collected from each vehicle.

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We refuse to meet with the Minister; we order the vehicles to refuse to pay the tax; the East Germans turn back Allied vehicles at the checkpoints. After unavailing protests, after the failure of sanctions short of force, the Western Powers consult whether a probe at battalion strength should be made to test Soviet intentions. This is the crucial decision, regardless of whether or not the battalion is instructed to withdraw if it encounters disproportionate force. For, if under orders, it is obliterated by "G.D.R." forces, do we have any choice but to mount a heavier probe, except at the loss of our honor? And, if it withdraws after encountering resistance, do we have any choice but to mount a heavier probe, except at the loss of all confidence in our courage and reliability? But if the probe in strength is undertaken it, too, can be contained by the available "G.D.R." conventional forces and we would then be faced with the necessity of ourselves commencing the third and last world war. For, if the probe used low-yield atomic weapons to neutralize East German conventional superiority, could the Soviets afford to stay out even though their action would trigger World War III ?

Any probe, therefore, has to be made on the assumption that if the Soviets are not prepared to give way, the chances that it will result in World War III are excellent. On the basis of available information, it is apparent to us that the Soviets have no desire to start a major war. But it is just as apparent that we do not, either. The Soviets may feel that the repulse or destruction of a minor probe will make us accept the inevitability of surrendering Berlin, even at the expense of honor and reputation.

Military history is, more than anything else, the product of mistaken political assumptions. The Soviet estimate of American concern with Korea; Hitler's estimate that the British would not support Poland in 1939; the Austrian and German General Staff estimate of Russian reaction in 1914 are among the glaring recent examples. There is a point of no return in the squaring off of nations against each other. It may well be that a Berlin probe would be that point between the United States and the U.S.S.R.

It is of course unclear that any probe would be undertaken. It is almost certain that the British would, when under the gun, strongly oppose such action, and the Canadians might well go along with the British. A case can be made that either or both the French and the West Germans may shy away from initiating the recourse to arms over what, in isolation, seems a bagatelle. Both countries are directly affected if a probe should result in even limited hostilities. "Ohne mich" could well be the German motto and "la grandeur" might not, in the last analysis, encompass Germanic Berlin. Similar considerations could apply in Benelux;

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The threatened use of force in such a tense situation would, of course, also call forth denunciations of the Afro-Asian bloc and remonstrances from neutrals and even allies, such as the Japanese, to whom the avoidance of fall-out would be considered a greater and more immediate good than maintaining the non-recognition of the "G.D.R.". Some degree of opposition might be expected in the United States as well, particularly as the issue would quite likely be presented by some of the information media and by some public figures as-- "Do you want to be blown up for fifty pfenning?"

Let us assume, then, that we decide the probes should not be undertaken. Would an airlift allow us to escape from the dilemma? If the "G.D.R." interfered only with military access, there is no reason why the Berlin garrisons could not easily be supplied and transported by air with assistance from the supplies coming into Berlin through civilian channels. But, if the East Germans succeed in restricting military ground access, are they likely then to refrain from beginning the whittling down of civilian access as a means of forcing withdrawal of the Allied garrisons?

Presumably it would be possible to maintain a level of existence in Berlin at some point above the intolerable solely by air supply for an indefinite period. But this would mean the end of Berlin as a living city if the blockade continued any length of time. And the East Germans could, if they wished, interfere with an air-lift by devices such as jamming communications to an extent which would make supplying the city by air impracticable.

The gain to be expected from an air-lift, then, would be only some amount of time and a better position to take forceful action. The East Germans would be forced to reveal, by the successive limitations upon access to Berlin, that the purpose of the restrictions is not the acceptance of what, on the surface, are reasonable tolls or inspection requirements or the like, but is the elimination of Berlin as a free island in a sea of tyranny. Although current planning has been to prefer an immediate ground probe to institution of an air-lift, it is suggested that from the viewpoint of international relationships with allies, as well as neutrals, an air-lift would be a more productive initial step unless we were practically certain that the probe would result in East German abandonment of whatever restriction had been imposed.

But, at some stage in an air-lift, it would be necessary to again face the decision whether to attempt to force a way through on the ground. And, though our psychological position would have improved, the overriding question would remain whether the East Germans and the Soviets would give way. It seems probable that under the clear conditions of emergency which would be prevailing, the chances of their

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giving way would be better and the prospects of support by our allies and the neutrals would be increased. The decision would remain, however, a form of roulette peculiarly Russian.

It is possible that the pressures engendered by an air-lift, combined with the sanctions short of force envisaged in our contingency planning would, as in 1949, result in elimination of whatever restrictions had been imposed upon access. But there is a legion of harassments to access available to the East Germans, and there is no reason to assume that, in the absence of some type of settlement, a variety of restrictions would not be renewed, forcing us to decide again whether to resort to a probe or institute an air-lift. Employment of an air-lift as a permanent, even though intermittent, feature of maintaining Berlin would, at best, lose the substance while grasping at the shadow. Under such circumstances, the city could not but wither away.

The third possibility of our hypothetical situation remains. Each military vehicle would pay the fifty pfennig toll at the checkpoint and continue on its way. We could maintain, without undue difficulty, that such payments would not constitute any recognition of the "G.D.R." and while it might afford the East Germans some advantages, these would be relatively minor. If the East Germans would stop at imposing a toll for road maintenance charges, there would be every reason just to pay and forget it. But there is likewise every reason to assume that the toll charge would be quickly followed by other limitations and restrictions upon both civilian and military access--acceptance of which would subordinate the rights of communication and traffic between Berlin and West Germany completely to East German control and of a nature to require continual consultation and dealing between East German officials and representatives of the Western Powers at all levels. The price for East German cooperation would grow continually steeper and the result would be that at some stage we would have to revert to our other alternatives of air-lift or probe to avoid winding up by having the worst of all possible worlds--de facto recognition of the "G.D.R." and loss of effective control over Berlin access.

In view of the

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No Interim Way Out

In view of the dangers inherent in each of the courses of action which we might take if the Soviets do turn the Berlin access routes over to the East Germans, some other solution is required. Except for hopeful inaction, the only alternative is a negotiated settlement. Our aims for such a settlement can range from obtaining a stay of

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execution for some such period as twelve or eighteen months, to the acceptance of a modus vivendi valid for two, three, or four years, to establishing an arrangement which might remain good for an indefinite period.

To expect that the U.S.S.R. will enter into any kind of agreement without exacting a substantial consideration therefor is a resort to daydreaming. The Geneva Foreign Ministers Conference of 1958 made it clear that the Soviet price for a short- or medium-term arrangement would include:

- a) a substantial reduction of troops in Berlin;
- b) sweeping limitations upon propaganda, intelligence, and refugee operations in West Berlin, with a Four-Power Supervisory Commission to hear complaints;
- c) weakening of the legal rights of the Western Powers to be in Berlin so that at the conclusion of the agreed period there could be a supportable Soviet claim that the rights had been terminated;
- d) negotiations at the conclusion of the period to determine the future status of Berlin;
- e) Direct "G.D.R."-F.R.G. negotiations on reunification.

Terms such as these could be acceptable only if the Western Powers, at the conclusion of the agreed period, would have improved their position, vis-a-vis the Soviet Union, either with respect to Berlin or in other fields which could be brought to bear upon the Berlin problem, to such an extent that the Soviets would not be able to take advantage of our weakened position. There do not appear to be any developments which can be foreseen in the immediate or near future which would justify buying time at the quoted price.

The Western proposals at Geneva in 1959 for an interim arrangement on Berlin included:

- a) a freeze on existing troop levels;
- b) circumscribed limitations on activities in all Berlin which would disturb public order or interfere with or affect the internal affairs of others (so worded as to permit widely divergent interpretations of forbidden activities);
- c) reunification to be handled by a Foreign Ministers' Deputies Conference on a continuing basis;

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- d) negotiations on the status of Berlin at the termination of the period on the basis of currently-existing rights.

These proposals offered the Soviets, in exchange for time, nothing of practical substance from their viewpoint except a somewhat more solid position to complain about Western propaganda activities originating in Berlin. The implicit reaffirmation of the Western position in Berlin at least counter-balanced this concession. The Soviets have preferred a delay of two years without any new agreement to this sort of arrangement because they have no reason to place formal and fixed limits on their freedom to use Berlin as a most convenient source of pressure and harassment, and as a means of gaining recognition for the "G.D.R." unless we surrender a substantial advantage such as weakening our position in Berlin, or adopt some compromise position which will tend toward disrupting the Western alliance. Both the uncertainty and the passage of time work for them and against us.

A short- or medium-term arrangement on terms which the Western Powers could accept on Berlin is thus unlikely unless Khrushchev is not serious about signing a peace treaty with the "G.D.R." and needs the optical illusion of a verbal victory to mask an about-face. There is no evidence to support this position although it is possible to imagine circumstances under which he might seek such an arrangement. For example, one of the considerations which might influence the Soviet position is that if the U.S.S.R. signs a peace treaty with the "G.D.R.", control over the Berlin situation could move from Soviet to East German hands. But this factor has not deterred reiterated announcements of the proposed transfer, and presumably the Soviets are assured of their ability to keep the East Germans from triggering a full-scale conflict, or are convinced that the Western Powers will not fight over Berlin.

Accordingly, there is no need to review the variety of possible limited-term arrangements which have been worked out as possible proposals on Berlin to determine which might be most acceptable to the Soviets. These solutions do not supply the material for genuine bargaining, because our situation in Berlin permits genuine bargaining in the context of the Soviet demands only for a price we are not prepared to pay. On the other hand, if the Soviets decide to avoid the possibility of a collision with the Western Powers through the use of a limited agreement which we could accept, there are a number of solutions (variations on the July 24, 1959 Geneva proposals; the continuing negotiations device; the unilateral declarations proposal, etc.) which would be available. But what is more likely is that the Soviets would merely continue the present situation without an agreement, expressed or implied.

To concentrate our planning on methods of achieving an interim solution is thus both non-productive and dangerous.

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### Non-Starting Long-Range Proposals

The remaining alternative is to seek a long-range Berlin solution by making substantial concessions to the Soviets. But this immediately raises a paradox. The concessions which the Soviets seek regarding Berlin are directed toward the elimination of free Berlin, while any concessions which we make must not impair that freedom. The immediately appealing gambit is, then, to consider concessions on our side which would not involve Berlin in exchange for the Soviet concessions regarding the city.

One such concession which has considerable appeal is to trade recognition of the "G.D.R." for Soviet and "G.D.R." guarantees on Berlin which would be good until reunification. If the conclusion developed in Part I of this paper, that reunification is not possible under existing circumstances, is correct, then why not deal openly with the Russians on this basis? As a method for dealing with problems of an indefinite duration, non-recognition is a policy difficult to defend, more than difficult to maintain and, in a variety of aspects, self-defeating. Further, substantial arguments can be developed that recognition might be as conducive to reunification in the long run as non-recognition.

Admitting the force of these arguments, the present pressing by the United States of a recognition policy remains subject to an insuperable objection. Reunification is the major ideological issue in the Federal Republic, and will remain so. The United States has identified itself with the policy of non-recognition, and to a considerable extent is responsible for the wide and deep acceptance of the doctrine in Germany as an essential position in the reunification of Germany. Until there is a very considerable change in West German thought and position, for us to attempt to force a drastic change in the Federal Republic's adherence to non-recognition is almost certain to be futile. It is likewise certain to arouse a considerable degree of bitterness and loss of confidence in our reliability with the possible result of inclining the Germans to unilateral dealings with the Soviets and withdrawal from NATO.

It is also clear that the French at present would support the Germans in opposition to a recognition of the "G.D.R." As a possible solution to a Soviet initiative on Berlin in the near future, recognition of the "G.D.R." is not an available counter.

Another proposal which has been studied is Western agreement to the Oder-Neisse Line as the final German-Polish boundary. Here the problem is whether an offer would have sufficient attraction to induce

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a long-range Berlin agreement. The Soviets have never indicated an interest in bargaining on the point, and its value has been depreciated by statements, such as De Gaulle's, of intention to accept the Oder-Neisse frontier. While such an offer might have some attraction as part of a package-arrangement, it would not suffice of itself.

The Soviet drive in relation to Berlin has been directed toward the termination of the occupation status and the withdrawal of the Western troops. This is the essence of the Soviet "Free City" proposal, which contains also the following elements:

Berlin would not participate in associations or agreements of a military or politico-military character;

The Four Powers would not interfere in the domestic affairs of Berlin, would not permit interference by other States, and would guarantee free communications with the outside world;

A Five-Power Watchdog Commission (U.S., U.K., U.S.S.R., France, and "G.D.R.").

If the Soviets could be relied upon to honor their agreements, these proposals with some modification would deserve serious consideration. But as the Soviet record for breaking agreements is excelled only by their record of blatant misinterpretation of agreement, any consideration of the "Free City" proposal can be posited only upon changes which would ensure the city's freedom. The scarcely disguised Soviet intention to eliminate that freedom reinforces the need for insurance. Two possibilities which have been adumbrated are placing the city under some sort of United Nations trusteeship, guarded by United Nations troops and possibly serving as a United Nations headquarters, and a suspension of the occupation status of Berlin, but with the troops of the Western Powers remaining in various guises. In each case there would be appropriate access guarantees.

The U.N. trusteeship thesis is not one that can be seriously entertained. Apart from being completely unacceptable to the French, and scarcely, if at all, more acceptable to the Germans, to relegate so explosive a subject as Berlin to the ultimate management of the General Assembly with any assurances that East German and Soviet encroachment would be prevented would be rashness in the extreme. The net result could be that we would retain the main burden of trying to maintain the city with much less chance of doing so. Continuation of access to the city could be used by the Soviets and East Germans to progressively limit Berlin's freedom of action in such subtle ways as to avoid any direct show-down with the U.N. presence in Berlin. The only recourse would be appeal to the General Assembly. It is to be

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feared that while we were bogged down in U.N. procedures, the Soviets and East Germans would be able to nibble away at the West Berliners until they'd eaten every one.

The variety of proposals based upon suspension of the exercise of occupation rights have one glaring weakness. They require convincing the Soviets that a stone is a loaf of bread. The Berlin forces of the Western Powers are to march out as occupiers, and immediately return by invitation of the West Berlin authorities as guests. Moreover, if the Soviets or East Germans thereafter misbehave the Western Powers could declare the suspensions terminated and the occupation again in full force and effect.

There does not appear to be a single good reason from the Soviet point of view for accepting proposals of this kind on a long-term basis unless the Soviets have a newly acquired passion for pyrrhic victories.

The suspension plans have never been discussed with our Allies. It seems reasonable to assume that such proposals would be taken, at least by the Germans, as an indication the United States will not maintain a firm line on Berlin under Soviet pressure. Because such a plan would be unreliable as a long-term proposal the Germans would suspect we are really planning its use as a two or three year proposal. In this time context, the suspension of the exercise of occupation rights would leave us in a weaker negotiating position at the end of the agreed period for suspension. The French, who are opposed to any tampering with the legal basis of our rights in Berlin, would probably also oppose any type of suspension proposal.

The Negotiable Position

If the foregoing conclusions are soundly based, none of the plans or positions on Berlin under current consideration in the event the U.S.S.R. provokes a crisis over the city offer any particular chance of success unless the Soviets are or become convinced that we will use whatever force is necessary, including nuclear weapons, in order to maintain our access rights to Berlin and to avoid any form of recognition of the "G.D.R." It is this latter aspect which offers the real chance of miscalculation and the possibility of blundering into the nuclear holocaust. The Soviet leaders could well believe, despite anything we might say or anything we might do short of large-scale conflict, that the West could not possibly intend to carry total non-recognition of the "G.D.R." to the point of a full-scale war. The psychological, political and strategic difficulties discussed in Part I of this paper regarding the use of force to maintain access are as apparent to the Soviets as to ourselves. They could well be convinced that we are

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trying to make two pairs look like a full house and realize we are not bluffing only when destruction has become inevitable.

In these circumstances, we should have a better fall-back position than the hope the Soviets will realize we are not bluffing. Such a position would have to include elements of real concessions to the Soviets rather than illusory concessions.

There is one proposal which would afford a reasonable chance of achieving this result. This proposal would have the following elements:

- a) the occupation of Berlin would be terminated.
- b) the Western troops would be withdrawn from the city.
- c) the Berlin-Helmstedt Autobahn plus a one hundred foot strip on each side of the highway would be placed under the exclusive jurisdiction of Berlin. RA
- d) the existing air corridors would be placed under the exclusive jurisdiction of Berlin.
- e) Berlin could not be incorporated into either the F.R.G. or the "G.D.R." and could not participate in governmental activities of either.
- f) the economic relationship of Berlin with the F.R.G. would be maintained.
- g) Berlin would not enter into military relationship with any government.
- h) Berlin could establish and arm a security force of (20,000) men, in addition to the normal police force.
- i) Eire, Sweden and Austria would each station a battalion of troops in Berlin with the sole purpose of preventing any entry into Berlin or into the Autobahn area not authorized by the Berlin Senat.
- j) the special status of Berlin would be specially guaranteed by the United States, the United Kingdom and France.
- k) no propaganda or espionage operation directed against either East or West would be carried on in Berlin (this aspect could be policed by a U.N. presence).

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- 1) the arrangements would remain in effect until the reunification of Germany.

The foregoing are only the broad outlines of what must be, if it is to be workable, a complex and detailed agreement.

The primary test for such proposal is whether it increases the danger to Berlin's freedom above the present level. If there is an increase in danger it will not be because we are in a less secure position. The establishment of civilian access to Berlin on a basis free from Soviet or "G.D.R." control eliminates the most insidious source of danger to the freedom of Berlin. The complicating and weakening factor of "G.D.R." recognition is eliminated because there will be no need to deal with the East Germans. With an open road to the West the security of Berlin can be made proof against anything except a direct attack.

The presence of neutral troops will not increase the likelihood of a direct attack and may well reduce it. At all events the burden of taking armed action has been shifted to the East Germans and the Soviets in the face of continued evidence of our determination to uphold Berlin it is unlikely that there will be a recourse to arms.

There is no doubt that the change in Berlin's status could have immediate and adverse psychological effects in Germany and particularly in Berlin. It may well be viewed by the Berliners as a lessening of their security on the basis that our troops would be more reliable in an emergency. Moreover, abandonment of the trip wire theory of deterrence--that any assault upon Berlin while troops of the Western Powers are there, would result in full scale reaction by those Powers, undoubtedly will result in concern and doubts both in Berlin and the Federal Republic. And finally, our relinquishment of direct responsibility for Berlin will undoubtedly cause German apprehension that Berlin little by little will lose its importance to the United States so that a gradual undermining of its freedom may be carried out without any really effective counteraction by the only nation strong enough to check its enemies.

The danger to Berlin which results from these forebodings is that the will of the Berliners to maintain themselves in freedom may be lessened so that Berlin may fall prey to subversion. The Berliners have become accustomed to the presence of a United States shield which directly protects their exposed position. If, however, their performance equals their billing, they should be able to maintain their freedom under the new circumstances given continuing evidence of support by the United States.

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The Federal Republic, might in time, incline toward some rapprochement with the Soviets if it viewed the agreement as an abandonment of the German cause by the United States. Difficulties of this nature, though in fact unfounded, could nonetheless have tragic results. Again, it should be possible to minimize or eventually extirpate these emotional repercussions by our maintaining the closest interest in and support for Berlin.

Another aspect of the same problem is whether the tendering of such a proposal might be considered by the Soviets as an abandonment of our expressed position on Berlin so as to convince them we have no serious intention of maintaining the freedom of the city and possibly lead to the out-of-hand rejection of any such proposal. The quid of a corridor which we would seek for the quo of withdrawal so completely alters the present position by eliminating the basic weakness of the Berlin strategic situation, that the Soviets could scarcely look upon its proposal as a confession of weakness. The question might well be phrased whether the proposal would be rejected out of hand by the U.S.S.R. because they would consider it a very poor bargain.

Evaluations here are difficult. The Soviets would be achieving their announced immediate end of withdrawal of the Western occupation troops and termination of the occupation regime in Berlin. They would be sacrificing the chance of achieving their intermediate and ultimate objectives--an increasing recognition of the "G.D.R." and ultimate assimilation of Berlin into the "G.D.R."

The Soviet decision may depend to a considerable extent upon their analysis of our intention to defend or not to defend Berlin with all available means in the event the proposal is rejected. If they believe that there is a reasonable likelihood we are not bluffing, then the proposal affords the U.S.S.R. a basis for settling the Berlin problem on terms which could be viewed as affording the Soviet Union substantial elements of a public victory. And as the corridor proposal has never been put to the Soviets, its acceptance would not entail retreat from any announced position and they could claim it merely represents the access which they have always offered to guarantee.

The Soviets may also consider that the arrangements would facilitate an eventual take-over of Berlin, or at least make possible such a take-over with a lessened likelihood of armed conflict and agree on that basis. The considerations involved here, of course, would be whether the Berliners and the Western Powers are determined to stand fast to prevent such a result.

If the Soviets are not convinced of the bona fides of our declared intent to defend Berlin, then the proposal may well only serve to reinforce their in that opinion. Even if the Soviets reject the offer, however, our having made it will have important consequences upon world opinion. We would have offered to meet the ostensible Soviet

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aims regarding Berlin. In exchange, we would have sought only a reasonable means of ensuring that the City of Berlin would be able to survive in freedom after withdrawal of the Western forces. Rejection by the Soviets of such a proposal would demonstrate clearly that the differences between the U.S.S.R. and the Western Allies did turn upon the fate of two million people and not upon such artificial issues as the stamping of papers or collection of fees. Rejection of the proposal would leave us in a substantially sounder position to take military action in support of Berlin if such action became essential.

Another aspect of a corridor proposal is whether it is practicable. Could Berlin, on the basis of a corridor, maintain a viable economy? The situation involves a considerable number of variables but the major considerations are:

- a) Continued support by the Federal Republic. This should present no difficulties.
- b) Confidence in Berlin's ability to produce and deliver. The existence of an open delivery route should increase rather than diminish reliance upon the city's capacity for meeting commercial commitments.
- c) Adequacy of physical facilities. If necessity requires it, it should be possible to meet the demands of Berlin's economy entirely by truck and air, although this would in certain sectors be obviously uneconomical and require subsidization. But the existence of a corridor would enhance the likelihood that the East Germans would not under ordinary circumstances interfere with rail and barge traffic because they would have nothing to gain and at least a little something to lose. Such interference might take place at some stage as part of a plan to undermine Berlin but this is a prospect which only the reunification of Germany will eliminate. Moreover, it might be possible to negotiate construction of a rail line through the corridor.

A final consideration is whether a proposal of this nature would be acceptable to our Allies. It is quite likely the British would be inclined to go along because of their obvious disinclination to risk a major conflict over non-recognition of the "G.D.R." It seems equally unlikely that the French and the Germans would be presently prepared to accept the proposal--the French, because of De Gaulle's conviction that a firm stand will result in a Soviet backdown--and the Germans because they will oppose any steps which appear to constitute a lessening of United States responsibility for Berlin and Germany.

Nonetheless it should be possible to convince our allies that the corridor proposal will, if accepted by the Soviets, improve the position

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of Berlin rather than repair it. The weaknesses of the alternate proposals and the dangers implicit in the bluff-calling procedures of contingency planning should, when contrasted with the obvious advantages of access completely free from Soviet or East German control ultimately persuade them. In this connection, considerable weight should be laid upon the fact that German traffic to Berlin is already substantially under East German control. The East Germans can, if they wish, outflank our planning by subjecting German traffic to a variety of restrictions and harrassments, no single one of which could easily serve as a basis for Draconian action but which cumulatively could reduce Berlin to a beggar city. Difficulties with locks on the canals and switching on the railroads, confusion in mail delivery, trouble with telephone lines, slow-downs at the Autobahn checkpoints can be played upon like a keyboard.

## VI

### Timing the Proposal

For the purpose of obtaining first allied and then Soviet agreement to the corridor proposal, there is considerable attraction in pressing it when the situation is extremely grave--perhaps when the preparations for an initial probe have been mounted. This course, however, presents two difficulties. Both the psychological climate and the pressure of time may make the acceptance of a new concept, first by our allies and then by the Soviets, impossible. Moreover, at that stage the Soviets will have signed a peace treaty with the East Germans and thus have put themselves in a position, on the basis of their own statements, where East German participation in any agreement on a corridor would be inevitable. This would raise the recognition problem in its most acute form.

It would thus appear desirable to present the proposal to the Soviets prior to the conclusion of their projected peace treaty but also after a definite indication of Soviet decision to terminate the status quo which, with all its imperfections, best suits our purposes. The following plan is suggested.

Upon issuance by the Soviets of invitations to a peace treaty conference, there should be the declaration of a state of emergency by the President. The Armed Forces should be placed upon an alert status and measures looking toward mobilization should be proposed.

The contingency planning counter-measures which do not involve the use of force should be put into effect. At this stage the President should meet with Adenauer, De Gaulle and MacMillan and propose

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a Summit Meeting at which the corridor plan would be presented to the Soviets as the alternative to armed conflict. The Summit Meeting would be scheduled prior to the date for the convening of the peace treaty conference. At the Summit Meeting the corridor proposal should be put forward as the alternative to armed conflict.

VII

Variations

It would be possible to offer the Soviets at a summit meeting a variety of other Berlin solutions so as not to appear to be standing on a take-it or leave-it position. Other solutions would have, however, substantially less negotiability either to our allies or to the Soviets. Thus, the corridor proposal, if French opposition could be overcome, might be coupled with a U.N. solution in the shape of a U.N. presence in Berlin, plus a U.N. garrison. A paper reviewing a number of such proposals will be submitted subsequently.

The corridor proposal might also be presented in conjunction with a variety of proposals designed to meet the Soviet's pre-occupation with a peace treaty. Given the timing suggested above, it is possible that some measures may be required to dispose of the planned peace treaty with East Germany. Those measures could include:

- a) Four Power acceptance of the Oder-Neisse line as Germany's eastern frontier.
- b) Establishment of a Four Power body to review unsettled problems affecting Germany, including those relating to the conclusion of a peace treaty with Germany.
- c) Establishment of an all-German committee to attempt a reduction of the tensions between East and West Germany and to formulate recommendations on the reunification of Germany for submission to the Four Power body.

Such arrangements would, of course, be needed only for the purpose of saving Soviet face. If agreement could be reached on a Berlin corridor, then it would be a matter of indifference to us whether the Soviets sign a "peace treaty" with the East Germans.

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